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EXAMINER

OMGBA, ESSAMA

ART UNIT

PAPER NUMBER

3726

NOTIFICATION DATE

DELIVERY MODE

11/17/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@lmiplaw.com

Response to Arguments

1. Applicant's arguments filed October 28 have been fully considered but they are not persuasive.

In response to Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As shown in the final Office action, one of ordinary skill in the art would have found it obvious, based on the combined teachings of Kniepkamp, Leturcq and Fessenden, to hold the guide collar of Singer by using an elastic holding element inserted in a recess of the guide collar, such that the elastic holding element bears against a holding bore of the inner ring under preload, wherein the recess is defined by a first wall, a second wall, and a third wall, the first wall, which is shorter than the third wall, and the third wall being parallel to each other, the second wall being perpendicular to the first wall and the third wall, providing spacing between the first wall and the second wall, and, at the first wall, the holding element being free from contact with the holding bore.

In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

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are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner is not proposing to incorporate the “twin tapered surface” of Kniepkamp into Singer and then replace the “twin taper surface” incorporated into the guide and replace it with the recess of Leturcq. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Clearly the combined teachings of the cited references would have rendered obvious Applicant’s invention.

In view of the above remarks, the examiner maintains that a *prima facie* case of obviousness has been established in the instant Application.

It should be noted that the rejection of claim 8 under 35 USC 103 over Singer in view of Kniepkamp, Leturcq and Fessenden was inadvertently not included in the final Office action. Singer indeed discloses a belt traction mechanism.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Essama Omgba/
Primary Examiner, Art Unit 3726

eo
November 11, 2010